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Attorneys for Defendant R.H. Meisel

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

RICARDO LOPEZ,

Plaintiff,

v.

**C. COOK, Medical Appeals Analyst, R.H.
MEISEL, Clinical Optometrist, N.
BARRERAS, Chief Medical Officer,
MAJID MANI, Ophthalmologist,**

Defendants.

Civil Case No.: 08cv0438 H(LSP)

**EX PARTE APPLICATION BY
DEFENDANT R.H. MEISEL FOR
ADDITIONAL TIME TO FILE
RESPONSIVE PLEADING OR
MOTION TO FIRST- AMENDED
COMPLAINT**

Magistrate Judge: Hon. Leo S. Papas

Defendant R.H. Meisel, O.D. hereby applies to the Court ex parte for an order extending the time to file a responsive pleading or motion to the first-amended complaint in this action. The undersigned counsel advised Plaintiff, a pro per inmate, of this request via facsimile sent to California Men's Colony (where Plaintiff is currently incarcerated) and delivered to Plaintiff through the prison's Litigation Coordinator on August 22, 2008. Defendant Meisel has not sought or obtained any previous extensions of time.

Such an extension of time is appropriate for the following reasons: 1) Defendant Meisel intends to file a responsive pleading or motion and to defend himself in the instant litigation; 2) Defendant Meisel is entitled to legal representation through the Attorney General's Office at the

1 expense of the State of California; 3) although the United States Marshal's Service left a copy of
2 the summons and complaint with Defendant Meisel's colleague on August 8, 2008, Defendant
3 Meisel did not obtain the documents for a few days after the 8th; 4) the ensuing process of
4 transferring Defendant Meisel's request for representation through the prison Litigation
5 Coordinator to the Attorney General's Office caused the Attorney General's Office to receive the
6 request on August 20, 2008; 5) Defendant Meisel is leaving for a pre-planned trip to Africa on
7 August 23, 2008, and will not be returning until September 10, 2008; and 6) this leaves
8 insufficient time for Defendant Meisel to assist his assigned attorney - Deputy Attorney General
9 Douglas E. Baxter - in evaluating the case and preparing a responsive pleading or motion by
10 August 28, 2008.

11 Accordingly, Defendant Meisel respectfully requests that the Court grant him a period of 45
12 days from the date of this application - until September 26, 2008 - to file a pleading or motion
13 responsive to the first-amended complaint. Good cause exists for an extension of time to file a
14 responsive pleading or motion under Civil Local Rule 12.1.

15 This ex parte application is supported by the attached Declaration of Douglas E. Baxter.

16 Dated: August 22, 2008

17 Respectfully submitted,

18 EDMUND G. BROWN JR.
Attorney General of the State of California
19 KRISTIN G. HOGUE
Supervising Deputy Attorney General
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21
22 /s/ Douglas E. Baxter
23 DOUGLAS E. BAXTER
Deputy Attorney General
24 Attorneys for Defendant
R.H. Meisel
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